

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.

Hazelton, North Dakota

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MM Docket No. 98-230
RM-9422

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch, Mass Media Bureau

COMMENTS OF HIGH PLAINS BROADCASTING, INC.

High Plains Broadcasting, Inc. ("HPBI"), the petitioner in the above-captioned proceeding, by its attorneys and pursuant to Sections 1.419 and 1.420 of the Commission's Rules, respectfully urges the Commission to adopt the proposed change to the FM Table and allot Channel 280C to Hazelton, North Dakota.

HPBI's Petition and its exhibits in this proceeding, which these comments incorporate by reference in their entirety, establish that this proposal will serve the public interest. The allotment of Channel 280C to Hazelton, North Dakota, will provide that community with its first local aural transmission service, which has long been a fundamental and sufficient basis for adding to the FM Table of Allotments.

Hazelton, a census designated city of 240 persons, see *1990 Census of Population and Housing, North Dakota* at 39 (1993), merits its own aural transmission service. The community, which elects its own City Commission and has its own zip code and post office (58544), also is the site of the Hazelton-Moffitt-Braddock Public School and maintains the Hazelton Fire Department, which serves Hazelton as well as nearby areas. Commercially, Hazelton has a number of business enterprises, including Hazelton Bank, Mallard Elevator Construction, Inc., at least two repair shops, a

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restaurant, a beauty salon, a welding shop, a grocery store and two service stations. Three religious denominations, including St. Paul's Lutheran Church, maintain buildings and services in Hazelton. In addition, Hazelton has a number of social outlets, including its own community center and senior citizens center, and social organizations, such as the Hazelton Lions Club and American Legion Post #126. Under Commission precedent, the presence of these civic, business, religious and social organizations and services confirm that Hazelton is a community deserving of its own aural transmission service. See, e.g., *Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991). That the local phone book has a section entitled Hazelton confirms this result.

The above proposal would enable Hazelton to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible. ^{1/}

^{1/} To the extent possible, HPBI prefers the site specified in the Petition and, to the extent necessary in these comments, would ask the Commission to take the necessary steps to enable this site to be used as the transmitter site for the proposed station. In any event, as indicated in the attached Declaration, HPBI intends to seek and, if approved, commence construction pursuant to the proposed allotment.

Accordingly, the Commission should adopt the Notice of Proposed Rule Making and allot Channel 280C to Hazelton, North Dakota, as requested.

Respectfully submitted,

**HIGH PLAINS
BROADCASTING, INC.**

By: *F. William LeBeau*
F. William LeBeau

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Its Attorneys

February 8, 1999

DECLARATION OF MICHAEL HALL

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel as proposed in the relevant petition and endorsed in the attached comments upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.


Michael Hall

Executed this 29th day of January, 1999.